

United States District Court

DISTRICT OF MONTANA, BILLINGS DIVISION

UNITED STATES OF AMERICA

WARRANT FOR ARREST

v.

CASE NUMBER: CR-06-16-BLG-RFC-01

ESAK FESSAHAYE ABRAHAM

aka Essak Fessahaye Abraham

aka "E"

4731 200 96 STREET S.W., #117

LYNWOOD, WASHINGTON

TO: UNITED STATES MARSHAL AND ANY AUTHORIZED UNITED STATES OFFICER

YOU ARE HEREBY COMMANDED to arrest ESAK FESSAHAYE ABRAHAM and take the arrested person without unnecessary delay before the nearest federal magistrate judge to answer the INDICTMENT charging HIM with CONSPIRACY TO POSSESS WITH INTENT TO DISTRIBUTE AND DISTRIBUTION OF COCAINE, POSSESSION WITH INTENT TO DISTRIBUTE COCAINE; DISTRIBUTION OF COCAINE, AND THE PINKERTON THEORY in violation of Title 21 United States Code, Section 841(a)(1), 846 and Title 18 United States Code, Section 2.

Assigned to: JAMES E. SEYKORA


HEATHER M. MCLEAN, Deputy ClerkAS ORDERED BY U.S. MAGISTRATE JUDGE RICHARD W. ANDERSON
Billings, Montana

BAIL FIXED AT NONE

Date of Issue: NONE

RETURN	
DATE RECEIVED:	LOCATION:
EXECUTED BY ARREST OF THE ABOVE-NAMED DEFENDANT	
DATE OF ARREST: 2/23/2006	DWIGHT MACKAY UNITED STATES MARSHAL
LOCATION: Everett, WA	
BY: Mark A. Nelson	Deputy U.S. Marshal

MARK A. NELSON



06-MJ-00076-INDI

JAMES E. SEYKORA
Assistant U.S. Attorney
U.S. Attorney's Office
P.O. Box 1478
Billings, MT 59103
2929 Thrd Ave. North, Suite 400
Billings, MT 59101
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**ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA**

FILED
BILLINGS, MT

2006 JUN 19 AM 11 22

PATRICK E. DUFFY, CLERK
BY *P. Duffy*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ESAK FESSAHAYE ABRAHAM,
aka Essak Fessahaye Abraham,
aka "E",
ANDREW BEAVERS, aka "Drew,"
ADRIEN MONTRE BEAVERS,
aka "A-1,"
TRACY BERNARD HARPER,
JASON McCALISTER,
aka Jason McCallister,
MEDORA NANOFF,
TYRONE JACKSON, aka "Ty,"
JULIAN TIM MATHIS, aka "Big Tim,"
FRANK SIMS, aka "Low-Down," and
STEPHEN BURTON BERG,
aka Steven Howard Berg,

Defendants.

CR 06- 16 -BLG- RFC

INDICTMENT

**CONSPIRACY TO POSSESS WITH INTENT TO
DISTRIBUTE AND DISTRIBUTION OF
COCAINE(Counts I)**
Title 21 U.S.C. § 846
(Penalty: Mandatory minimum ten years to life
imprisonment, \$4,000,000 fine, and at least
five years supervised release)

**POSSESSION WITH INTENT TO DISTRIBUTE
COCAINE; DISTRIBUTION OF COCAINE
(Counts II, XIII, XVI and XXXIV)**
Title 21 U.S.C. § 841(a)(1), 18 U.S.C. § 2
(Penalty: (Count II) Mandatory minimum ten
years to life imprisonment, \$4,000,000 fine,
and at least five years supervised release)
(Penalty: (Counts XIII, XVI and XXXIV) Mandory
minimum five to 40 years imprisonment,
\$2,000,000 fine, and at least four years
supervised release)

	<p>POSSESSION WITH INTENT TO DISTRIBUTE; DISTRIBUTION OF COCAINE (Counts III-XII, XVII-XIX, XXII-XXXIII, and XXXV) Title 21 U.S.C. § 841(a)(1), 18 U.S.C. § 2 (Penalty: 20 years imprisonment, \$1,000,000 fine, and at least three years supervised release)</p> <p>POSSESSION OF STOLEN FIREARM (Count XV) Title 18 U.S.C. §§ 922(j), 924(a)(2) (Penalty: Ten years imprisonment, \$250,000 fine, and three years supervised release)</p> <p>FELON IN POSSESSION OF A FIREARM (Counts XIV, XX, and XXI) Title 18 U.S.C. § 922(g)(1) (Penalty: Ten years imprisonment, \$250,000 fine, and three years supervised release)</p> <p>POSSESSION OF A FIREARM IN FURTHERANCE OF A DRUG TRAFFICKING CRIME(Count XXXVI) Title 18 U.S.C. §§ 924(c), 2 (Penalty: Mandatory five years imprisonment, consecutive to any other sentence)</p> <p>TITLE 21 PENALTIES MAY BE ENHANCED FOR PRIOR DRUG-RELATED FELONY CONVICTIONS</p>
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THE GRAND JURY CHARGES:

COUNT I

That from on or about an unknown date believed to be in November of 2003 up to late 2005 and the present, at Billings, in the State and District of Montana, and elsewhere, the defendants, ESAK FESSAHAYE ABRAHAM aka *Essak Fessahaye Abraham* aka "E", ANDREW BEAVERS aka "Drew", ADRIEN MONTRE BEAVERS aka "A-1", TRACY BERNARD HARPER, JASON McCALISTER aka *Jason McCallister*, MEDORA NANOFF, TYRONE JACKSON aka "Ty", JULIAN TIM MATHIS aka "Big Tim", FRANK SIMS aka "Low-Down", STEPHEN BURTON BERG aka *Steven Howard*

Berg, and other persons both known and unknown to the Grand Jury, did knowingly and unlawfully conspire, combine, confederate, and agree to possess with intent to distribute and distribute over 50 grams of cocaine base or 5 kilograms of cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).

OBJECTS OF THE CONSPIRACY

1. To obtain cocaine in either the form of powder cocaine or cocaine base (commonly referred to as "crack" or "rock" cocaine) from various sources both inside and outside the State of Montana for further distribution.
2. At times during the period of the conspiracy, to obtain powder cocaine and make it into "crack" cocaine for further distribution.
3. To distribute cocaine in Billings and elsewhere for cash and other items.
4. To hide the details of the conspiracy from law enforcement.
5. To perform such other acts necessary in order to further the conspiracy.

MANNER AND MEANS

The activities of the conspiracy were conducted in the following manner and, in part, by the following means:

1. During the period of the conspiracy, the co-conspirators traveled from Billings, Montana, to Spokane and Seattle, Washington, and other locations to obtain cocaine and cocaine base for redistribution in the Billings, Montana, area.
2. During the period of the conspiracy, the co-conspirators and others assisting the co-conspirators were taught the method or methods to convert powder cocaine to "crack" cocaine.

3. During the period of the conspiracy, the co-conspirators used various means of payment for the cocaine, including cash and wire transfers.

4. During the period of the conspiracy, the co-conspirators utilized various communication devices, including cell phones, to further the distribution conspiracy.

5. During the period of the conspiracy, the co-conspirators carried, used, or possessed firearms to embolden themselves, protect money and drugs, and protect the entire operation.

All in violation of 21 U.S.C. § 846.

COUNT II

That from in or about an unknown date in November, 2003, and continuing thereafter until the date of the indictment, at Billings, in the State and District of Montana, the defendants, ESAK FESSAHAYE ABRAHAM *aka Essak Fessahaye Abraham aka "E"*, ANDREW BEAVERS *aka "Drew"*, ADRIEN MONTRE BEAVERS *aka "A-1"*, TRACY BERNARD HARPER, JASON McCALISTER *aka Jason McCallister*, MEDORA NANOFF, TYRONE JACKSON *aka "Ty"*, JULIAN TIM MATHIS *aka "Big Tim"*, FRANK SIMS *aka "Low-Down"*, and STEPHEN BURTON BERG *aka Steven Howard Berg*, did knowingly and unlawfully possess with intent to distribute over five kilograms of cocaine or over 50 grams of cocaine base; a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT III

That on or about October 7, 2004, at Billings, in the State and District of Montana, the defendant, ANDREW BEAVERS, did knowingly and unlawfully distribute

12.90 grams of cocaine, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT IV

That on or about October 14, 2004, at Billings, in the State and District of Montana, the defendant, ANDREW BEAVERS, did knowingly and unlawfully distribute 26.60 grams of cocaine, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT V

That on or about October 15, 2004, at Billings, in the State and District of Montana, the defendant, ANDREW BEAVERS, did knowingly and unlawfully distribute 4.50 grams of cocaine base, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT VI

That on or about November 2, 2004, at Billings, in the State and District of Montana, the defendant, TYRONE JACKSON, did knowingly and unlawfully distribute 5.0 grams of cocaine, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT VII

That on or about November 11, 2004, at Billings, in the State and District of Montana, the defendant, TYRONE JACKSON, did knowingly and unlawfully distribute 5.60 grams of cocaine, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT VIII

That on or about November 16, 2004, at Billings, in the State and District of Montana, the defendant, TYRONE JACKSON, did knowingly and unlawfully distribute 3.60 grams of cocaine base, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT IX

That on or about November 16, 2004, at Billings, in the State and District of Montana, the defendant, TYRONE JACKSON, did knowingly and unlawfully distribute 3.90 grams of cocaine, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT X

That on or about November 16, 2004, at Billings, in the State and District of Montana, the defendant, FRANK SIMS, did knowingly and unlawfully distribute .61 grams of cocaine, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT XI

That on or about March 2, 2005, at Billings, in the State and District of Montana, the defendant, JASON McCALISTER *aka Jason McCallister*, did knowingly and unlawfully distribute .73 grams of cocaine, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT XII

That on or about March 11, 2005, at Billings, in the State and District of Montana, the defendant, JASON McCALISTER *aka Jason McCallister*, did knowingly

and unlawfully distribute 1.10 grams of cocaine base, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT XIII

That on or about March 31, 2005, at Billings, in the State and District of Montana, the defendants, FRANK SIMS, JASON McCALISTER *aka Jason McCallister*, MEDORA NANOFF, and ADRIEN BEAVERS, did knowingly and unlawfully possess with intent to distribute 14.10 grams of cocaine base, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT XIV

That on or about March 31, 2005, at Billings, in the State and District of Montana, the defendant, FRANK SIMS, having been convicted on July 19, 2000 of a felony crime punishable by a term of imprisonment of more than one year under the laws of the State of Nevada, did knowingly possess, in and affecting interstate or foreign commerce, firearms, that is, a Ruger, New Model Blackhawk, .357 caliber revolver, serial number 36-64927 and a Remington Rand, U.S. Military Surplus, Model 1911, .45 caliber pistol, serial number 1281569, in violation of 18 U.S.C. § 922(g)(1).

COUNT XV

That between in or about November, 2003, and continuing until on or about March 31, 2005, at Billings, in the State and District of Montana, the defendant, JASON McCALISTER *aka Jason McCallister*, knowingly possessed a stolen firearm, that is, a Remington Rand, U.S. Military Surplus, Model 1911, .45 caliber, serial number

1281569, which had been shipped or transported in interstate or foreign commerce, knowing and having reasonable cause to believe the firearm was stolen, in violation of 18 U.S.C. §§ 922(j) and 924(a)(2).

COUNT XVI

That on or about April 6, 2005, at Billings, in the State and District of Montana, the defendants, FRANK SIMS, JASON McCALISTER aka *Jason McCallister*, MEDORA NANOFF, and ADRIEN BEAVERS did knowingly and unlawfully possess with intent to distribute 14.70 grams of cocaine base, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT XVII

That on or about April 28, 2005, at Billings, in the State and District of Montana, the defendant, TRACY BERNARD HARPER, did knowingly and unlawfully distribute 14.60 grams of cocaine, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT XVIII

That on or about May 11, 2005, at Billings, in the State and District of Montana, the defendants, JULIAN TIMOTHY MATHIS and STEPHEN BURTON BERG aka *Steven Howard Berg*, did knowingly and unlawfully distribute 1.0 grams of cocaine, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT XIX

That on or about May 12, 2005, at Billings, in the State and District of Montana, the defendants, JULIAN TIMOTHY MATHIS and MEDORA NANOFF, did knowingly

and unlawfully distribute 1.0 grams of cocaine, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT XX

That on or about May 13, 2005, at Billings, in the State and District of Montana, the defendant, TRACY BERNARD HARPER, having been convicted on February 23, 1998, of a felony crime punishable by a term of imprisonment of more than one year under the laws of the United States, did knowingly possess, in and affecting interstate or foreign commerce, a firearm, that is, a H & R Model 666 revolver, .22 caliber, serial number AP107227, in violation of 18 U.S.C. § 922(g)(1).

COUNT XXI

That on or about May 13, 2005, at Billings, in the State and District of Montana, the defendant, ANDREW BEAVERS, having been convicted on May 19, 1999, of a felony crime punishable by a term of imprisonment of more than one year under the laws of the United States, did knowingly possess, in and affecting interstate or foreign commerce, a firearm, that is, a Great Western Arms Corp. .22 caliber revolver, serial number GW4312, in violation of 18 U.S.C. § 922(g)(1).

COUNT XXII

That on or about May 19, 2005, at Billings, in the State and District of Montana, the defendant, MEDORA NANOFF, did knowingly and unlawfully distribute .45 grams of cocaine, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT XXIII

That on or about May 27, 2005, at Billings, in the State and District of Montana, the defendants, JULIAN TIMOTHY MATHIS and STEPHEN BURTON BERG *aka Steven Howard Berg*, did knowingly and unlawfully distribute 1.40 grams of cocaine, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT XXIV

That on or about June 1, 2005, at Billings, in the State and District of Montana, the defendants, JASON McCALISTER *aka Jason McCallister* and MEDORA NANOFF, did knowingly and unlawfully distribute 1.60 grams of cocaine, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT XXV

That on or about June 1, 2005, at Billings, in the State and District of Montana, the defendants, JASON McCALISTER *aka Jason McCallister* and MEDORA NANOFF, did knowingly and unlawfully distribute 1.10 grams of cocaine base, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT XXVI

That on or about June 1, 2005, at Billings, in the State and District of Montana, the defendants, JULIAN TIMOTHY MATHIS and MEDORA NANOFF, did knowingly and unlawfully distribute .28 grams of cocaine base, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT XXVII

That on or about June 10, 2005, at Billings, in the State and District of Montana, the defendant, JASON McCALISTER aka *Jason McCallister*, did knowingly and unlawfully distribute 3.20 grams of cocaine, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT XXVIII

That on or about June 10, 2005, at Billings, in the State and District of Montana, the defendants, JASON McCALISTER *aka Jason McCallister* and MEDORA NANOFF, did knowingly and unlawfully distribute 2.40 grams of cocaine, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT XXIX

That on or about June 17, 2005, at Billings, in the State and District of Montana, the defendants, JASON McCALISTER *aka Jason McCallister* and MEDORA NANOFF, did knowingly and unlawfully distribute 5.10 grams of cocaine, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT XXX

That on or about June 17, 2005, at Billings, in the State and District of Montana, the defendants, JASON McCALISTER aka Jason McCallister and MEDORA NANOFF, did knowingly and unlawfully distribute 13.70 grams of cocaine, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT XXXI

That on or about June 21, 2005, at Billings, in the State and District of Montana, the defendants, JASON McCALISTER *aka Jason McCallister* and MEDORA NANOFF, did knowingly and unlawfully distribute 6.30 grams of cocaine, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT XXXII

That on or about June 21, 2005, at Billings, in the State and District of Montana, the defendants, JASON McCALISTER *aka Jason McCallister* and MEDORA NANOFF, did knowingly and unlawfully distribute 10.70 grams of cocaine, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT XXXIII

That on or about July 22, 2005, at Billings, in the State and District of Montana, the defendants, JASON McCALISTER *aka Jason McCallister* and MEDORA NANOFF, did knowingly and unlawfully possess with intent to distribute 125 grams of cocaine, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT XXXIV

That on or about August 2, 2005, at Butte, in the State and District of Montana, the defendant, ADRIEN MONTRE BEAVERS *aka "A-1"*, did knowingly and unlawfully distribute approximately one ounce of cocaine base, a Schedule II controlled

substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT XXXV

That on or about August 2, 2005, at Billings, in the State and District of Montana, the defendant, STEPHEN BURTON BERG *aka Steven Howard Berg*, did knowingly and unlawfully possess with intent to distribute cocaine base, a Schedule II controlled substance, or did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT XXXVI

That on or about August 2, 2005, at Billings, in the State and District of Montana, the defendant, STEPHEN BURTON BERG *aka Steven Howard Berg*, did knowingly and unlawfully possess a firearm, that is, an Armscorp of the Philippines, Squires Bingham, .38 caliber revolver, SN AP875373, in furtherance of a drug trafficking crime in violation of 21 U.S.C. § 841(a)(1), namely, possession with intent to distribute cocaine, a Schedule II controlled substance, as alleged in Count XXXV above, in violation of 18 U.S.C. §§ 924(c) and 2.

PINKERTON THEORY

Counts II through XIII, XVI through XIX, and XXII through XXXVI are individual substantive offenses that occurred in furtherance of the overall conspiracy. The defendants listed in the conspiracy in Count I, under the Pinkerton Theory, are charged herein in the substantive count as set forth therein.

A TRUE BILL.

Rich Stone
FOREPERSON

William W. Mercer
WILLIAM W. MERCER
United States Attorney

Carl E. Rostad
CARL E. ROSTAD
Criminal Chief Assistant U.S. Attorney

UNITED STATES OF AMERICA } ss.
DISTRICT OF MONTANA

I, PATRICK E. DUFFY, Clerk of the United States District Court for the District of Montana, hereby certify that the above and foregoing is a true copy of the original now on file in my office.

Dated the 24 day of Jan, 2006
PATRICK E. DUFFY, Clerk

By [Signature]
Deputy

Crim. Summons Full
Warrant: Full
Bail: Nine